

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

and

HOLO-HOLO CHARTERS, INC.,

Respondent.

CASE NO. OSH 2008-13

ORDER NO. 305

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board (Board) by conference call on January 5, 2009, and attended by Herbert B.K. Lau, Deputy Attorney General, for Complainant, and Tracy Vierra, for Respondent (by telephone), IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial are as follows:

Whether Citation 1, Item 1, including the characterization as "Serious" and the associated penalty of \$500.00, resulting from Inspection No. 311431431, was valid and proper.

Citation 1, Item 1 alleged:

29 CFR 1910.213(c)(1) [Refer to chapter 12-80.1, HAR] was violated because:

A Rockwell circular hand-fed rip saw was observed with its blade guard missing, thus exposing the employee to a contact hazard which could result in serious lacerations or amputation.

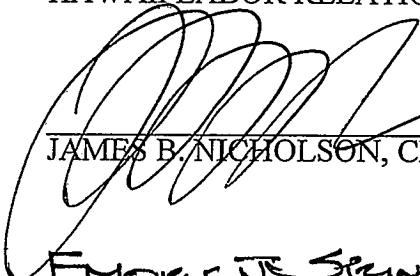
2. The deadline for filing of the parties' final naming of witnesses is **February 5, 2009**. Each party shall file with the Board the original and four copies of its list of witnesses it plans to call at trial, along with the

witnesses' addresses and brief summary of expected subject of their testimony, with a certificate of service to the other party, by this date. Each party shall also exchange any expert witness reports by this date.

3. The discovery cutoff date is **March 5, 2009**. All other discovery and information requests, including depositions and document requests, must be completed by this date.
4. Trial in this matter is scheduled for **April 6, 2009 at 9:00 a.m.**, in the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii, 96813. The trial will continue from day-to-day until completed.
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, January 12, 2009.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General
Tracy Vierra